

FINAL REGULATION: AMEND 310 CMR 7.00 Definitions

MISCELLANEOUS METAL PARTS AND PRODUCTS means farm machinery (harvesting, fertilizing, and plant machines, tractors, combines, lawn mowers, rototillers, etc.); small appliances; commercial and office equipment (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.); fabricated metal products (metal doors, frames, etc.); industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.); and any other metal parts or products which are coated under Standard Industrial Classification Codes of Major Groups 33, 34, 35, 36, 37, 38, and 39. The use of autobody anti-chip coatings and underbody plastisols in automobile and light-duty truck surface coating is considered coating of miscellaneous parts and products. ~~In addition, this definition includes exterior coating of assembled entire aircraft and assembled entire metal marine vessels.~~ This definition does not include metal cans, flat metal sheets, and strips in the form of rolls or coils; magnet wire for use in electrical machinery; metal furniture; large appliances; automobile and light duty trucks, automobile refinishing; exterior coating of assembled entire aircraft or assembled entire metal marine vessels; or customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.

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VOLATILE ORGANIC COMPOUND is any compound of carbon which participates in atmospheric photochemical reactions. For the purpose of determining compliance, VOC is measured by the applicable reference test methods specified in 40 CFR 60. 310 CMR 7.00: VOLATILE ORGANIC COMPOUND includes all organic compounds except the following:

<u>CAS Number</u>	<u>Chemical Name</u>
...	
463796	carbonic acid,
616386	dimethyl carbonate,
N/A	metallic carbides or carbonates,
...	
127184	perchloroethylene (tetrachloroethylene),
108327	propylene carbonate,
75694	CFC-11 (trichlorofluoromethane)



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Response to Comments on Proposed Amendments to:

310 CMR 7.00

Definition of Volatile Organic Compound and Definition of Miscellaneous Metal Parts and Products

Regulatory Authority:
M.G.L. c. 111, Sections 142A through 142E

February 15, 2013

In October 2011, the Massachusetts Department of Environmental Protection (MassDEP) proposed amendments to 310 CMR 7.00 to:

- (1) amend the current definition of Miscellaneous Metal Parts and Products; and
- (2) add the compounds dimethyl carbonate and propylene carbonate to the list of exempt compounds in the current definition of Volatile Organic Compound (VOC).

MassDEP held a public hearing and solicited oral and written testimony on the proposed regulations in accordance with Massachusetts General Laws (MGL) Chapter 30A. On October 17 and October 19, 2011, MassDEP published notice of the public hearings and public comment period on the proposed regulatory revisions in the Boston Globe and the Springfield Republican, respectively, and notified interested parties via electronic mail. A public hearing was held on Thursday, November 17, 2011 in Boston, Massachusetts, and the comment period closed on November 28, 2011.

No comments were received regarding the proposed amendments to the definition of Miscellaneous Metal Parts and Products. Three comments (summarized below) were received in support of the proposed amendments to the definition of VOC by the following:

- David Darling, P.E., Senior Director, Environmental Affairs, American Coatings Association
- Ricardo Miyares, Managing Partner, and James R. Shields, Account Executive, Miami Chemical
- Vincent C. Shanley (Shanley Fleming Boksanski & Cahill) on behalf of the Massachusetts Paint Council

Comment: Dimethyl carbonate (DMC) and propylene carbonate could prove useful for coatings as a VOC alternative due to the following characteristics among others:

- DMC has one of the lowest ozone reactivity potentials
- Both compounds have low toxicity
- DMC has relatively high flashpoint, unobjectionable odor, and a relatively moderate evaporation rate
- Nearly all states have already exempted DMC and propylene carbonate from the definition of VOC
- DMC and propylene carbonate are relatively inexpensive compared to other exempt compounds.

Response: MassDEP agrees with these comments and has exempted dimethyl carbonate and propylene carbonate from the definition of VOC.